

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 451 – SB 1237

April 7, 2017

SUMMARY OF ORIGINAL BILL: Authorizes a court of competent jurisdiction to apportion fault to the employer and reduce the recovery awarded to the injured worker, or to whom the injured worker's right of action survives at law, based on the percentage of fault apportioned to such employer. Permits an employer and an employee to reach a voluntary agreement as to a reduction in the employer's subrogation lien without the necessity of court action. Authorizes the court to adjust any lien or credit that is due to an employer relative to the amount of fault apportioned.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

IMPACT TO COMMERCE OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (006645): Adds language to clarify that the workers' compensation law remains the exclusive remedy for employees subject to Tennessee Code Annotated, title 50, chapter 6, for personal injury or death by accident pursuant to Tenn. Code Ann. § 50-6-108.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- The Administrative Office of the Courts confirms the provisions of the legislation are not expected to significantly impact the number of civil cases; therefore, any impact is considered not significant.
- Based on information provided by the Bureau of Workers' Compensation, the provisions of the legislation will not impact operations of the Bureau.

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IMPACT TO COMMERCE WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumption for the bill as amended:

- Passage of this legislation will only impact the extent of recoveries paid by or received by parties to a civil action; any impact on commerce or jobs in Tennessee is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee" followed by the letters "RNC" in a smaller, less legible script.

Krista M. Lee, Executive Director

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